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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,937	11/24/2003	Henry August	BOEI-1-1208	5259

7590 06/21/2005

Robert R Richardson
Robert R Richardson PS
PO Box 2677
Silverdale, WA 98383-2677

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,937

Applicant(s)

AUGUST, HENRY

Examiner

Lars A. Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-63 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14, 26, 27 and 34 is/are rejected.
- 7) ☒ Claim(s) 3-13, 15-25, 28-33 and 35-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An amendment was received from the applicant on May 4, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 14, 26, 27 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickett et al. (US 4,463,701).

Pickett et al. discloses the same submersible glider as claimed, as shown in Figures 1-5, that is comprised of a cylindrical hull, defined as Part #12, with a wave-piercing bow, defined as Part #13, and a stern, defined as Part #15, first and second generally planar lifting surfaces, defined as Part #22, that are disposed on a central portion of said hull, extend toward said stern, and have a pair of generally planar stabilizer surfaces, defined as Part #28, that extend generally perpendicular to a plane of said first and second lifting surfaces, where said stabilizer surfaces are connected to ends of said first and second lifting surfaces, as shown in Figures 1 and 2. Said submersible glider further includes a propulsion system in the form of a tow vessel that is connected to said submersible glider by a tow cable, defined as Part #8, and a steering device in the form of said tow cable.

Allowable Subject Matter

4. Claims 46-63 are allowed.
5. Claims 3-13, 15-25, 28-33 and 35-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed on May 4, 2005 regarding claims 1, 2, 14, 26, 27 and 34 have been fully considered but they are not persuasive.
7. The applicant argues that Pickett et al. (US 4,463,701) does not disclose the feature of a generally planar lifting surface disposed toward the stern of a submersible glider.
8. In response to the applicant's argument, Pickett et al. discloses a submersible glider with first and second generally planar lifting surfaces that are disposed on a central portion of said submersible glider, and extend aft of center toward the stern of said submersible glider, as shown in Figures 1 and 3. Thus, Pickett et al. discloses a submersible glider that includes the feature of a generally planar lifting surface that is disposed toward the stern of said submersible glider. Therefore, for the reasons given above, the rejection of claims 1, 2, 14, 26, 27, and 34 is deemed proper and is not withdrawn.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

June 16, 2005

**LARS A. OLSON
PRIMARY EXAMINER**

Lars Olson
6/16/05